

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK KAVAKICH,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-1109
)	
NORTH FRANKLIN TOWNSHIP,)	Judge Lancaster
DONALD HAZLETT, MICHAEL QUINN,)	Magistrate Judge Hay
RICHARD HORNER,)	
JERRY CAVANAUGH,)	
DENNIS M. MAKEL,)	
WILLIAM LOAR,)	
)	
Defendants.)	

AND NOW, this 31ST day of JULY, 2007, after the plaintiff,

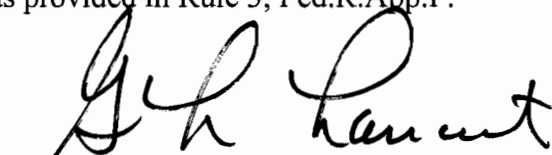
Mark Kavakich, filed a Third Amended Complaint and an Amended Motion for Preliminary Injunction in the above-captioned case, and after a Motion to Dismiss Third Amended Complaint was filed by defendant, Dennis M. Makel, and after a Motion to Dismiss Third Amended Complaint was filed by defendants, Richard Horner, North Franklin Township, William Loar, Michael Quinn, Donald Hazlett, and Jerry Cavanaugh, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by plaintiff and the response to those objections filed by defendant, Dennis M. Makel, and upon consideration of the objections filed by defendants, Richard Horner, North Franklin Township, William Loar, Michael Quinn, Donald Hazlett, and Jerry Cavanaugh, and the response to those objections filed by plaintiff, and after independent review of the record, and

upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss Third Amended Complaint (Docket No. 50) filed by Richard Horner, North Franklin Township, William Loan, Michael Quinn, Donald Hazlett, and Jerry Cavanaugh is DENIED, and the Amended Motion for Preliminary Injunction (Docket No. 44) is DENIED.

IT IS FURTHER ORDERED that the Motion to Dismiss Third Amended Complaint (Docket No. 47) filed by Dennis M. Makel is GRANTED, and that the plaintiff is granted two weeks within which to amend his complaint.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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